

The Regional Municipality of York

Committee of the Whole
Finance and Administration
June 10, 2021

Report of the Commissioner of Corporate Services

Expropriation Settlement Toronto York Spadina Subway Extension 55 and 290 Interchange Way and 7540 Jane Street City of Vaughan

1. Recommendations

1. Council authorize the settlement of all claims pursuant to the *Expropriations Act* (the “Act”) related to the property municipally known as 55 and 290 Interchange Way and 7540 Jane Street, as described in Attachment 1, for the construction of the Toronto-York Spadina Subway Extension (TYSSE) in the City of Vaughan.
2. The Commissioner of Corporate Services be authorized to execute the Minutes of Settlement and all necessary documentation to complete the transaction in accordance with the Minutes of Settlement.

2. Summary

This report seeks Council approval of an expropriation settlement with the owner of the property located at 55 and 290 Interchange Way and 7540 Jane Street in the City of Vaughan, for the TYSSE project.

Private Attachment 1 to this report will be considered in private session pursuant to section 239(2) (c) of the *Municipal Act, 2001*, because it relates to the settlement of a claim for compensation.

The property location is shown on the map in Attachment 2.

Key Points:

- Fee simple, permanent easement, temporary easement and ground lease interests were expropriated from the property from 2010 to 2015 to facilitate the TYSSE project
- Construction was completed in Q4 2017
- The eastern extent of the property was impacted by surface and underground construction

- Upon construction completion, the development potential along the eastern boundary was permanently impacted
- The Region and the owner have reached a full and final settlement for all expropriations and related claims

3. Background

The TYSSE project extended subway service from Toronto to the Region

The TYSSE project extends from Sheppard West Station in Toronto to the Vaughan Metropolitan Centre (VMC) in the vicinity of Jane Street and Highway 7 West in the City of Vaughan. The TYSSE project involved the construction of subway tunnels and stations, emergency exit buildings, power substations, bus terminals, parking lots, roads and other subway-related infrastructure. Following approval from the Ministry of the Environment, subway construction started in 2010 and ended in 2017.

Land requirements were identified to complete the project and steps were taken to obtain the lands

The TYSSE project identified land requirements from property owners along the new subway route. All lands required to facilitate the project were obtained through negotiated agreements and expropriation, with most lands acquired by expropriation.

The subject lands were obtained via three expropriations

The land requirements are contained within two parcels and form a small portion of each parcel. The first parcel is a 27.7-hectare site improved with a retail entertainment complex consisting of seven buildings. The second is a 2.3-hectare site improved with two light industrial/warehouse buildings. The impacted areas were vacant and the only visible improvement after construction is an emergency exit building from the subway tunnel on the south side of Interchange Way.

The lands were acquired in three phases. They included an expropriation approved by Council in [February 2011](#), a ground lease pursuant to section 30 of the *Expropriations Act* (the “*Act*”) approved by delegated authority in July 2011 and a negotiated agreement pursuant to section 30 of the *Act* approved by delegated authority in May 2015.

Appraisals were prepared by external consultants and used to support offers of compensation under sections 25 and 30 of the *Act* for all the requirements.

The owner and the Region negotiated a settlement for the expropriations

The subway’s alignment permanently reduced the development potential of the owner’s property. The Region also leased lands for construction vehicle storage and display for use

by neighbouring Toromont Industries. It temporarily replaced lost storage and display during construction to mitigate potential compensation claims.

Region staff worked with the owner to mitigate impacts during construction and reached a settlement for all claims under the *Act*, including market value of land, disturbance damages and injurious affection to the owner's remaining property, which are compensable under the *Act*.

4. Analysis

A settlement has been negotiated

Regional staff and the owner agreed to a settlement of all expropriations, which includes market value, injurious affection and disturbance damages, plus interest and costs.

The negotiated full and final settlement is in the best interest of the Region and will avoid continued interest accrual in accordance with the *Act*. Upon completion of this agreement, the Region will not incur any further legal expenses with respect to this settlement.

Further Environmental due diligence may be required

Environmental due diligence has been performed for the Region's interests in the fee simple, permanent easement, temporary easement, and ground lease lands. The results were reviewed by staff in consultation with Legal Services. At the time of this report, TTC is verifying the need for further environmental review with its environmental consultant. Further environmental investigation and related work may be required.

5. Financial

The funding to complete this property settlement is included in the 2021 YRRTC Capital Budget. The project is funded by the City of Toronto (TTC) and the Region. The Region will make payment and the proportionate share of the costs will be invoiced to the cost sharing parties.

6. Local Impact

The construction of the subway was critical to achieving the Region's vision for the TYSSE project. The project has improved public transit services in the VMC. Future land development along the subway will contribute to the growth in the City of Vaughan and the Region.

7. Conclusion

The Region expropriated lands from 55 and 290 Interchange Way and 7540 Jane Street in the City of Vaughan, for the TYSSE project. A final settlement for all expropriation claims has been negotiated with the owner and eliminates any further financial exposure from the owner for impacts caused during construction.

It is recommended that Council authorize the expropriation settlement described in this report to settle all claims with the owner of 55 and 290 Interchange Way and 7540 Jane Street in the City of Vaughan.

For more information on this report, please contact Michael Shatil, Director Property Services Branch at 1-877-464-9675 ext. 71684. Accessible formats or communication supports are available upon request.



Recommended by:

Dino Basso
Commissioner of Corporate Services



Approved for Submission:

Bruce Macgregor
Chief Administrative Officer

May 28, 2021
Attachments (2)
Private Attachments (1)
eDOCS #10609619